

REMARKS

Claims 1-18 are pending in the instant application.

Claims 14 to 17 have been amended to more clearly define the organocobalt complex. Support for these amendments can be found at page 12, line 8 - page 13, line 23. It is submitted that none of these amendments constitute new matter, and their entry is requested.

Rejection under 35 U.S.C. §112, first paragraph

On pages 2 and 3, the Office rejects claims 1-18 under 35 USC §112, first paragraph for lack of a written description. In particular, the Office alleges that the disclosure does not indicate what distinguishing attributes are shared by the members of the genera comprising covalently conjugated cobalt atoms and bioactive molecules in organocobalt complexes. On page 3, the Office also alleges that the specification fails to teach or adequately describe a representative number of species. The Office concludes that the inventors were not in possession of the claimed genera.

Applicants respectfully submits that the person skilled in the art would have, from the examples provided, recognized that the inventors were in possession of the claimed genera. The present application discloses a representative number of species of bioactive agents on pages 10 and 11 of the specification, in particular on page 10, lines 26-30 and page 11, lines 16-25. See also, page 3, lines 5 to page 4, line 12 in conjunction with page 1, lines 21-24 as well as page 52, lines 3-14. Here, the specification provides examples of peptides and nucleic acids that can be used as bioactive agents in the context of the present invention either directly or by incorporation of reference. The person skilled in the art would understand that the particular bioactive agent used is a function of the disease to be targeted. The present application also discloses a representative number of organocobalt complexes on pages 12 and 13 of the specification. Covalent attachment of a bioactive agent to a cobalt atom is taught on pages 14 and 19-43 of the disclosure, in particular pages 35-38. From the disclosure, the person skilled in the art would be readily able to recognize how to attach any of the bioactive agents of the claimed genus.

Applicants have amended claims 14 to 17 to more clearly define the organocobalt complex as supported at pages 12-13 of the specification.

In view of the above amendments and remarks, it is submitted that the claimed invention is fully described by the specification. Withdrawal of this rejection is requested.

Double Patenting

On pages 3 and 4, the Office rejects claims 1-18 under the judicially created doctrine of obviousness-type double patenting over claims 1-28 of the parent application, now U.S. Patent No. 6,315,978.

A terminal disclaimer, disclaiming the patent term of any patent that might issue for the present application that would extend the term of such a patent beyond the term of commonly owned U.S. Patent No. 6,315,978, is attached hereto.

The submission of this terminal disclaimer obviates this rejection. Withdrawal of this rejection is requested.

Claim Amendments

Any amendments to the claims were made solely for the purpose of clarifying the respective claim. In no case should such an amendment of an element of a claim be construed as a surrender of equivalents.

In view of the above amendments and remarks, in conjunction with the remarks made in the previous amendment, it is believed that the claims satisfy the requirements of the patent statutes and are patentable over the prior art. Reconsideration of the instant application and early notice of

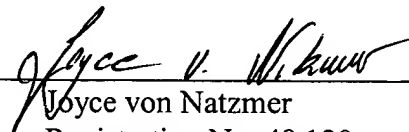
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allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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